



## EXECUTIVE DEPARTMENT

### EXECUTIVE ORDER NO. KBB 2005 - 62

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#### ***DECLARATION OF PUBLIC HEALTH EMERGENCY FOR THE DISPOSITION OF HUMAN REMAINS BY LICENSED FUNERAL ESTABLISHMENTS***

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- WHEREAS,** Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;
- WHEREAS,** pursuant to Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005, a state of emergency was declared for the entire state and is currently in effect;
- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana;
- WHEREAS,** as a consequence of Hurricanes Katrina and Rita and their aftermaths, hundreds of Louisianans have perished and many citizens of the state of Louisiana have suffered or may suffer injury and/or illness;
- WHEREAS,** R.S. 29:724(D)(1) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** the secretary of the State Board of Embalmers and Funeral Directors, a licensing and regulatory board under the Department of Health and Hospitals, has requested that R.S. 37:842(D)(5) and LAC 46:1103, be temporarily suspended, so that a funeral establishment in a parish declared within the disaster areas, which has been destroyed or made inoperable as a result of either hurricane, may secure a temporary alternative facility, with the approval of the State Board of Embalmers and Funeral Directors, and open such temporary facilities under their existing establishment license so long as the temporary facility meets certain minimum standards to properly care for the deceased and to properly serve the members of the community affected by the hurricanes;

**NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO,** Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

**SECTION 1:** R.S. 37:842(D)(5) and LAC 46:1103, which require a funeral or embalming establishment license be for a specific location and an additional fee for any change of location, are hereby suspended to the extent that an establishment located in a parish within either Hurricane Katrina or Hurricane Rita declared disaster areas and was destroyed or made inoperable as a result of either hurricane may secure a temporary facility, with the approval of the State Board of Embalmers and Funeral Directors, and open such temporary facility under its existing establishment license. Any such temporary facilities shall meet certain minimum standards as determined

by the State Board of Embalmers and Funeral Directors.

**SECTION 2:** All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation the provisions of this Order.

**SECTION 3:** This Order is effective upon signature and shall continue in effect until December 31, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



**ATTEST BY  
THE GOVERNOR**

/S/ Al Ater  
**SECRETARY OF STATE**

**IN WITNESS WHEREOF**, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 13th day of October, 2005.

/S/ Kathleen Babineaux Blanco  
**GOVERNOR OF LOUISIANA**